

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

IRA KLEIMAN, as the personal representative
of the Estate of David Kleiman, and W&K Info
Defense
Research, LLC

Plaintiffs,

v.

CRAIG WRIGHT

Defendant.

CASE NO.: 9:18-cv-80176-BB/BR

JOINT DISCOVERY STATUS REPORT

Per this Court's January 16, 2020 Order (ECF No. 328), the Parties submit this Joint Discovery Status Report.

I. Plaintiffs

Document Discovery

On February 1, 2020, Plaintiffs filed a motion challenging a number of Defendant's privilege designations. (ECF No. 389.) Plaintiffs await the Court's decision on that motion. Plaintiffs are seeking no other document discovery from Defendant directly at this time. However, Plaintiffs may need to request further limited document discovery after the deposition of the Defendant.

Plaintiffs will be filing a motion for the issuance of letter rogatory seeking documents from the U.K based entity nChain. As will be explained in this motion, Plaintiffs seek this discovery now that certain documents produced by Defendant indicate that nChain may have control over this litigation and/or may have obtained or acquired assets at issue in this case. Assuming this motion is granted expeditiously, and the UK courts take it up expeditiously,

Plaintiffs do not believe any further extensions will be necessary to complete that process. The Defendant has provided a list of what he claims are his bitcoin holdings. Based on that list, expert analysis, and answers to the Bonded Courier interrogatories authorized by this Court, it appears that there are numerous issues that indicate that list may be yet another example of the Defendant's submissions of forgeries and misrepresentations to this Court. Plaintiffs are hopeful that third party discovery necessary to confirm these suspicions will not require additional time, and will keep the Court apprised of that progress if additional time is needed.

Fact Witnesses

Plaintiffs believe that the following depositions are needed and scheduled:

Craig Wright – March 16 and 18, 2020

¹Ramona Watts – March 19, 2020

Andrew O'Hagan – March 17, 2020

Dustin Trammel – March 26, 2020

Brandon Sullivan – TBD

Plaintiffs are attempting to serve former nChain CEO and U.S citizen Jimmy Nguyen, but have so far been unsuccessful to locate him. Finally, Plaintiffs note that more depositions may be required as additional information is uncovered about the partnership's bitcoin holdings.

¹ Plaintiffs note that there are three depositions scheduled in London the week of March 16-20. At this point, those depositions are set to proceed. However, given the uncertainty over travel associated with Coronavirus, the parties may need to adjust the schedule to accommodate any delays occasioned by the virus.

II. Defendant

On January 1, 2016, after having overturned the deemed facts [D.E. 373], the Court extended discovery at plaintiffs' request. D.E. 382. Since then, the parties have continued to engage in extensive discovery and related motion practice. On January 19, 2020, plaintiffs served interrogatories focusing on the existence of the July 7, 2017 trust, the production of the list of bitcoin addresses from the third party, and the circumstances surrounding them. Defendant responded to the interrogatories, and plaintiffs moved for better responses. The issues on that discovery are fully briefed and will be resolved by March 5, 2020, during which the Court will address issues regarding privilege. Plaintiffs also moved for reconsideration of multiple discovery rulings, and the Court issued its ruling on that motion on March 2, 2020. D.E. 408. The depositions (previously scheduled but canceled) of Dr. Wright, Ramona Watts, and Andrew O-Hagan in London are set to be completed by March 19, 2020. Plaintiffs have also taken the deposition of Gavin Andresen and have noticed the depositions of Jimmy Nguyen and Dustin Trammel. With these depositions, plaintiffs have exhausted the 10 depositions permitted under the federal rules.

Dr. Wright will notice the deposition of Don Lynam, which will complete the 10 depositions he is permitted. Dr. Wright has not agreed to extend the number of depositions. In addition, Dr. Wright has served Requests for Admissions on both plaintiffs Ira Kleiman and W&K Info Defense Research LLC. They are due on April 1, 2020.

Under the extended discovery schedule, the parties have engaged in discovery for over 20 months. (This excludes the stay period). At the close of the extended discovery schedule (*i.e.*, April 17, 2020), plaintiffs will have been permitted nearly two years of discovery on Dr. Wright. That discovery has consisted of at least 190 individual document requests [D.E. 408 at 4] and

well over 25 interrogatories. Dr. Wright has produced over 198,221 documents in response to those document requests.

It is Dr. Wright's position that the discovery provided by the Court under the original and extended discovery periods is more than sufficient for plaintiffs to prepare their claims for trial. Discovery should be completed in accordance with the Court's order [D.E. 373] and the trial and pre-trial deadlines should remain intact. Dr. Wright objects to any further extension of discovery based on plaintiffs' belated filings of letters rogatory, which Dr. Wright's counsel has just received, on non-party nChain.

Dated: March 2, 2020

Respectfully submitted,

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